

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**W. HOLDING COMPANY, INC., et al.**  
**Plaintiffs**

v.

**AIG INSURANCE COMPANY OF PUERTO RICO,**  
**Defendant**

**CIVIL ACTION NO.**  
**11-02271 (GAG)**

**FEDERAL DEPOSIT INSURANCE CORPORATION AS  
RECEIVER FOR WESTERNBANK PUERTO RICO,**  
**Plaintiff Intervenor**

**JURY TRIAL  
DEMANDED**

v.

**FRANK STIPES GARCIA, et al.,**  
**Cross-Claim Defendants**

**AIG INSURANCE COMPANY OF PUERTO RICO,**  
**Previously Joined Defendant**

**MARLENE CRUZ CABALLERO, AND THE FRONTERA-  
CRUZ CONJUGAL PARTNERSHIP, et al.,**  
**Additional Defendants.**

**FEDERAL DEPOSIT INSURANCE CORPORATION  
AS RECEIVER FOR WESTERNBANK PUERTO RICO'S  
MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION  
TO THE EXCESS INSURERS' MOTION FOR SUMMARY JUDGMENT**

Federal Deposit Insurance Corporation as Receiver for Westernbank Puerto Rico (“FDIC-R”), respectfully requests leave of this Court to file the attached Sur-Reply in Opposition to the Excess Insurers’ Motion for Summary Judgment, upon representing the following:

1.

The Excess Insurers filed a 30-page Reply Brief in Support of Their Motion for Partial Summary Judgment on May 14, 2014 (the “Reply”). [Doc. 1086].

2.

A sur-reply is necessary to address arguments made for the first time in the Reply.

3.

FDIC-R respectfully submits that this sur-reply will assist the Court in understanding and resolving the issues raised by the Excess Insurers' Motion.

WHEREFORE, FDIC-R respectfully requests that it be granted leave to file the attached sur-reply memorandum.

Respectfully submitted this 21st day of May, 2014:

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Puerto Rico**

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to L. Cv. R. 5.1 (b) (2) that I filed this document electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all parties through their counsel of record in the captioned case.

In San Juan, Puerto Rico, this 21st day of May, 2014.

/s/ James Brown